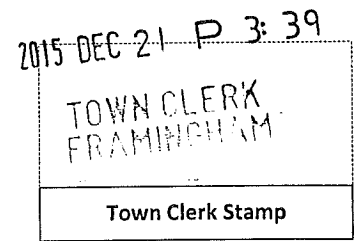


Framingham Planning Board

Memorial Building • Room B-37 • 150 Concord Street
Framingham, MA 01702-8373
(508) 532-5450 • planning.board@framinghamma.gov



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Stephanie Mercandetti, Vice Chair
Lewis Colten, Clerk
Thomas F. Mahoney
Victor A. Ortiz

Planning Board Staff:

Amanda L. Loomis, Planning Board Administrator
Alexander C. Mello, Associate Program Planner
STEPHANIE D. MARRAZZO, CLERICAL ASSISTANT

**TOWN OF FRAMINGHAM
PLANNING BOARD**

**Notice of Decision
Regarding the Application of**

**Franca Enterprise Services (David O. Whittemore, Trustee, Owner)
For a Public Way Access Permit, Scenic Roadway Modification, Special Permit for Land Disturbance,
and a Special Permit for a Common Driveway
815 Edmands Road, Framingham MA**

On July 14, 2015, the Applicant, Franca Enterprise Services, Inc. (David O. Whittemore, Trustee, Owner), filed with the Planning Board, and on July 14, 2015, the Planning Board filed with the Town Clerk and Town Departments, applications for a Special Permit for Land Disturbance (Section V.F) and Common Driveway (Section IV.B.3.a.1. and IV.E.4.a) pursuant to the Framingham Zoning By-law and a Public Way Access Permit (Article VI., Section 8) and Scenic Roadway Modification (Article VI., Section 10) pursuant to the Framingham General By-laws. The Application was filed to construct a common driveway on a scenic way and proposes to remove one 24" pine tree and one 18" oak tree within the public right of way as depicted on the rendering entitled, "Proposed Site Plan" dated September 25, 2015 prepared by Connorstone Engineering.

After the notice of the public hearing was published in "The MetroWest Daily News" on July 20, 2015 and July 27, 2015 and mailed to parties of interest pursuant to the Framingham Zoning By-law and M.G.L. Chapter 40A, the Planning Board opened the public hearing on August 20, 2015 at 7:00 pm in the Ablondi, Memorial Building, Framingham. Continued public hearings were held on September 10, October 1, October 26, November 19, and December 17, 2015.

On December 17, 2015 the Planning Board **APPROVED** with conditions said Application for Special Permit for Land Disturbance (Section V.F) and Common Driveway (Section IV.B.3.a.1. and IV.E.4.a) pursuant to the Framingham Zoning By-law and a Public Way Access Permit (Article VI., Section 8) and Scenic Roadway Modification (Article VI., Section 10) pursuant to the Framingham General By-laws for 815 Edmands Road and a **DECISION** was filed in the office of the Town Clerk on December 18, 2015.

Christine Long, Chair
FRAMINGHAM PLANNING BOARD

Any appeal from the Decision shall be made pursuant to G.L. Ch. 40A, Sec. 17 and must be filed within twenty (20) days after the date of filing of the Decision in the office of the Town Clerk.

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2015 DEC 18 P 2: 36

TOWN CLERK
FRAMINGHAM
Town Clerk Stamp

PLANNING BOARD MEMBERS:

CHRISTINE LONG, CHAIR
STEPHANIE MERCANDETTI, VICE CHAIR
LEWIS COLTEN, CLERK
THOMAS F. MAHONEY
VICTOR A. ORTIZ

**DECISION OF THE FRAMINGHAM PLANNING BOARD
FOR THE PROPERTY LOCATED AT 815 EDMANDS ROAD
DECISION DATED DECEMBER 17, 2015**

THIS DECISION WAS GRANTED UNDER THE OCTOBER 2015 FRAMINGHAM ZONING BY-LAW

General Property Information

Property Address: 815 Edmands Road, Framingham, MA
Assessor's Information: 100/421.0-0001-0016.0 Project Number: PB-008-015
Zoning District/Overlay District: Single Family Residential (R-4)

Application Information

Application(s): Public Way Access Permit, Scenic Roadway Modification, Special Permit for Land Disturbance, and a Special Permit for a Common Driveway

Sections of the Zoning By-law Under Review: Land Disturbance (Section V.F) and Common Driveway (Section IV.B.3.a.1 and IV.E.4.a.)

Sections of the General By-law Under Review: Public Way Access Permit (Article VI, Section 8) and Scenic Roadway Modification (Article VI, Section 10)

Date application(s) were filed with the Planning Board: July 14, 2015

Date application(s) were filed with the Town Clerk: July 14, 2015

General Project Contact Information

Applicant Name: Franca Enterprise Services, Inc. (David O. Whittemore, Trustee, Owner)

Applicant Address: 449 Boston Post Rd E - Ste 1 Marlborough, MA 01752

Landowner Name: David O. Whittemore Trust

Landowner Address: 152 Wayside Inn Road, Marlborough, MA 01752

Project Contact Name: David O. Whittemore and Attorney Peter Barbieri

Engineer Name: Connorstone Engineering

Engineer Company: 10 Southwest Cutoff, Northborough, MA 01532

Legal Ad & Public Hearing Information

Run dates of the Legal Ad: (14 days prior) July 20, 2015 and (7 days prior) July 27, 2015

Date of abutter/7 Abutting municipality/parties of interest mailing: July 17, 2015

Date of opening public hearing: August 20, 2015

Date(s) of continued public hearings: September 10, October 1, October 26, November 19, and December 17, 2015

Applicant's Representatives in attendance at the Public Hearing(s): Attorney George Connor, Connorstone Engineering, Attorney Peter Barbieri, and David Whittemore, Applicant

Planning Board members in attendance at the public hearing(s): Christine Long, Chair, Stephanie Mercandetti, Vice-Chair, Lewis Colten, Clerk, Thomas Mahoney, Victor Ortiz (filed Mullin Rule on September 10, 2015 for the August 6, 2015 public hearing)

Other Town Staff Present: Frank Pawlucone, Tree Warden, and Neal Price, Horsely Witten (Town Peer Review – Stormwater Engineer)

Other Information Regarding the Project

Posting of the Community Notice Sign: The community notice sign was posted on the premises on or abouts July 14, 2015

Planning Board Approval Information

Date of Plan Approved by the Planning Board September 25, 2014, revised through November 19, 2015

DESCRIPTION OF THE PROJECT

The project will include the construction of a single family home on a vacant wooded lot, located in the northwest quadrant of Framingham. Over half of the lot exceeds the definition of Moderate Slope (slopes greater than 15 percent) and, therefore, requires a special permit for land disturbance. The lot currently contains a stone wall along the frontage of the property, hiking trails within proximity to the driveway, and a multitude of large mature trees throughout the site.

The property contains more than the required amount of frontage. However, the construction of a single family driveway along a scenic roadway may be detrimental to the rural nature of the road and access to the lot. Therefore, the Applicant submitted an application for a special permit for the construction of a common driveway. The proposed common driveway would allow 815 Edmands Road to access Nixon Road over the frontage of the abutting property (809 Edmands Road) located to the east. The Applicant is proposing to remove one 24" pine tree and one 18" oak tree to provide safe and adequate sight lines along Edmands Road. The Town Tree Warden found that two additional trees located within the public right-of-way were hazardous and would also need to be removed. The Applicant plans on constructing a field stone wall in the area where the trees were removed to maintain and enhance the rural character of Edmands Road.

HEARING

The Framingham Planning Board held a total of six public hearings during the review of the Project located at 815 Edmands Road: August 20, September 10, October 1, October 26, November 19, and December 17, 2015. Framingham Planning Board Members present during the public hearings were Christine Long, Chair, Stephanie Mercandetti Vice-chair, Lewis Colten, Clerk, (absent on October 1, 2015 – Mullin Rule was filed with the Town Clerk on October 9, 2015) Thomas Mahoney (absent on October 26, 2015 – Mullin Rule was filed on November 18, 2015), and Victor Ortiz (absent on August 20, 2015 – Mullin Rule was filed with the Town Clerk on September 9, 2015). Other Town Staff present at the Public Hearings was Frank Pawluconeck, Framingham Tree Warden. The Town's Stormwater Engineer Peer Review, Neal Price, Horsely Witten was present on November 19, 2015, and presented Horsely Witten's findings based on their peer review. The following individuals appeared on behalf of the Applicant during the public hearing process: Attorney George Connor, Connorstone Engineering, Attorney Peter Barbieri, Fletcher & Tilton, and David O. Whittemore, Applicant.

During the public hearing process, the Planning Board took under advisement all information received from members of the public that provided input during the review of this Project. The Planning Board arrived at this Decision based on the Framingham Zoning By-law, information submitted by the Applicant, comments from town boards and officials, and members of the public. Findings from the application and public hearing process resulted in the development of the conditions contained in this Decision.

On October 1, 2015, the applicant Franca Enterprise Services, Inc. withdrew from the application process. The owner of the land, David O. Whittemore took over the application process and continued with the review of the project. On October 1, 2015, Attorney Peter Barbieri entered an appearance for a change in owner representation regarding the application.

FINDINGS

Land Disturbance, Framingham Zoning By-law, Section V.F.

Section IV.F.e.(1) Site Management and Control

The Applicant shall install erosion and sediment controls prior to the start of construction, which shall remain in place until after the completion of the project. The erosion and sediment controls shall be checked prior to start and end of each construction day. Furthermore, in the event of a weather event, the Applicant is required to check and repair any deficiencies present in the controls. In the event of a multi-day storm event that prevents work, the Applicant shall be required to check on the erosion and sediment controls to ensure that such controls remain intact. In the event that an erosion and sediment control is in disrepair, the Applicant shall repair and/or replace the defect to ensure that the controls are in proper working order.

Horsely Whitten, the Town's peer review consultant requires modifications to the proposed project, specifically related to stormwater management. These requirements are as follows:

- The applicant shall provide additional diversions, similar to the trench behind the house for each phase of development. These additional features will break up the downslope flow of water during construction. Furthermore, during the house construction phase, a diversion downslope of the house shall be installed in order to direct runoff back to the rough graded driveway where the check dams and straw bales barriers are located. This shall be replicated during the septic system construction phase.
- The applicant shall provide driveway check dams detail to the plans, and shall be designed in accordance with the Massachusetts Department of Environmental Protection Stormwater Policy. Such check dams should be constructed to include a concave weir rather than a large lump.
- The applicant shall protect the trench along the driveway during construction. Such protection shall keep the stone from being contaminated with sediment. The applicant may choose to construct this feature last to ensure that the trench is properly managed and constructed.

Section IV.F.e.(2) Control of Stormwater

The Town requires, whenever possible, to retain the natural topography of the site to reduce unnecessary land disturbance and preserve natural drainage patterns. The site contains large tracks of land, exceeding 15 percent which is classified as moderate slope as defined by the Framingham Zoning By-Law. The Applicant has worked with the Town's peer review to ensure that the project has been designed to prevent washout and erosion. The site currently infiltrates into the ground as most undisturbed sites do, and any stormwater that does not infiltrate into the ground, runs onto Edmands Road and is collected in the Town's storm drains.

The proposed drainage system that was amended through the public hearing process and shown on the revised plans, is in compliance with the Town's By-laws to ensure that the rate and volume of runoff does not exceed existing conditions. The applicant shall be required to provide a bond equivalent to 20 percent of the cost of the drainage system, which shall be held by the Town for five years to ensure that the stormwater system is fully functional and well maintained. The applicant shall

note in the deed for the property the location and type of stormwater system to ensure long term operation and maintenance of the system.

Section IV.F.e.(3) Protection of Natural Features and Vegetation

The Applicant's application, site plans, and supporting documents state that the property does not contain any known wetland resources or rare/endangered species habitat within 200 feet of the proposed work. In the July 6, 2015 letter from the Conservation Commission to the Department of Building and Wiring, Conservation states that the property is outside of their jurisdiction. The letter further requests that the Applicant install and maintain erosion and sedimentation controls for the project due to the nature of the steep on the property. Therefore, the Applicant shall stabilize the disturbed slope areas both during and after construction.

Section IV.F.e.(4) Protection of Historic Resources

The site contains no historic structures and is not listed as a historic property. However, Edmands Road is listed as a Scenic Roadway. The site contains stonewalls that run along the eastern property boundary and along a portion of the frontage of the property. The stonewall along the easterly property boundary shall remain as is, after the construction of the project. The stonewall along the property frontage, which is not located within this public right of way, would be reconstructed after the grading of the project to maintain the historic nature of the scenic roadway.

Furthermore, the grading of the frontage of the property requires the removal of four trees within the public right of way. The Tree Warden held a public hearing on September 10, 2015 for the removal of the posted 24" pine tree and the 18" oak tree, at that time the Tree Warden declared that two other trees would also have to be removed due to the hazardous condition that they pose. The Applicant shall agree to provide the Tree Warden with the appropriate number of trees as replacement of the trees removed for construction. The gifted trees will be planted by the Tree Warden at his discretion in appropriate areas within Town.

Common Driveway, Framingham Zoning By-law, Section IV.B.3.a.1 and IV.E.4.a)

The Framingham Zoning By-law, Section IV.B.3.a.1) and IV.E.4.a and the Scenic Roadway By-law, Section 10.6.2 Curb Cuts, encourages where possible the use of common or shared driveways. The relocation of the proposed driveway for 815 Edmands Road to the abutting property located at 809 Edmands Road, allows for increased lines of sight, decreases the number of curb cuts, which in turn decreases the number of potential conflicts between vehicles, bicyclist, and pedestrians.

Public Way Access Permit, Framingham General By-law, Article IV, Section 8

In the Department of Public Works (DPW) letter dated July 7, 2015, any proposed surface opening and excavation work within the Town right-of-way limits will require a Street Opening Permit (SOP) with the work constructed under said permit being performed in compliance with the Town of Framingham SOP Policy. DPW requires that work shall comply with the Town of Framingham DPW construction standards, which are available on the Town's website. Furthermore, DPW requests that the Applicant reevaluate the stopping sight distance (General Plan Note #3), which is inconsistent with the required hypothetical travel speeds of 25 MPH plus 10 MPH.

The Framingham Zoning By-law requires that projects be located a minimum of 100 feet away from an intersection. The project is located on a bend, but is over 100 feet away from the intersection of Nixon Road and Edmands Road. The Applicant has located the driveway/curb cuts on the abutting property. The project will share a common driveway with the property located at 809 Edmands Road, which is also owned by the Applicant. The relocation of the driveway for 815 Edmands Road, onto the property of 809 Edmands Road increases the distance from the Nixon and Edmands Road intersection.

Furthermore, the proposed grading of the frontage of 815 Edmands Road will decrease the sight limitations for the common driveway.

Based on the findings as shown in the submitted documentation and presented during the public hearing process it can be concluded that the Project does provide access to the property that an illusory or hazardous condition will not be created. Therefore, the Planning Board finds that the Project as proposed complies with the requirements of Article VI., Section 8 of the Framingham General By-laws.

Scenic Roadway Modification, Framingham General By-law, Article IV, Section 10

Section 10.6.2 Curb Cuts

In accordance with the Town's General By-laws, the Applicant has designed the project to be accessed over the abutting property's curb cut, for the use as a common driveway. The Town encourages common driveways on scenic roadways in order to preserve and to enhance the visual appearance and rural character of the scenic roadway. The applicant has also filed with the Planning Board a special permit for a common driveway, under the Framingham Zoning By-law. Furthermore, the common driveway has been shown at 12' which is 2' less than the maximum width of a common driveway.

Section 10.6.3 Stone Wall Removal Limitations

The project proposes to grade the frontage of the property to increase the line of sight in the westerly direction of Edmands Road. In doing so, the project would require a stonewall that is located along the frontage of the property to be removed. The Applicant has agreed to reconstruct the stonewall after the completion of the project to maintain and protect the visual appearance and rural character of the property. Furthermore, the stones that presently comprise the stonewall shall be reused in the reconstruction of the stonewall to ensure the integrity of the stonewall is maintained.

Section 10.6.4.c) Tree Removal Limitations

For each tree that is removed, with a trunk exceeding six inches in diameter, one foot above ground level, a replacement tree shall be provided as directed by the Tree Warden. The species, size, and location of the replacement planting shall be determined by the Tree Warden. The two trees that are proposed to be removed include one 24" pine tree and one 18" oak tree. The Framingham Tree Warden shall provide a number of recommended replacement trees similar to the size of the removed trees. Furthermore, the Tree Warden shall designate specific alternative locations within the Town for planting the replacement trees that is deemed appropriate to ensure that the public way maintains its scenic characteristic.

Section 10.7.2 Tree Warden

The Tree Warden held a public hearing as required under MGL c. 87 on September 10, 2015. Proper notification was filed and sent to the appropriate parties. Notification was given for one 24" pine tree and one 18" oak tree. During the Tree Warden's visit to the site, he declared that two additional trees would need to be removed to ensure the safety of the Scenic Roadway. During this portion of the public hearing process no objection to the removal of four trees within the public right of way was made. The Tree Warden has requested that the Applicant provide the appropriate number of replacement trees elsewhere on-site or gift them to the Department of Public Works to be planted within the public right-of-way elsewhere in Town. The Tree Warden closed the scenic way public hearing regarding tree removal on September 10, 2015.

Based on the findings as shown in submitted documentation and presented during the public hearing process it can be concluded that the Project does not alter the rural nature of the scenic roadway.

Therefore, the Planning Board finds that the Project as proposed complies with the requirements of Article VI, Section 10 of the Framingham General By-law.

CONDITIONS OF APPROVAL

The Planning Board finds that the Application and Plans submitted by the Applicant comply with all applicable provisions of the By-Law, relevant to this review. Accordingly, the Planning Board votes, pursuant to relevant provisions of the By-Laws, to approve the Application for special permits for Land Disturbance (Section V.F) and Common Driveway (Sections IV.B.3.a.1) and IV.E.4.a) of the Framingham Zoning By-laws and Public Way Access Permit (Article VI, Section 8) and Modification to a Scenic Roadway (Article VI, Section 10) of the Town of Framingham General By-Laws, subject to the following conditions:

General Provisions

1. Prior to the commencement of authorized site activity, the Applicant and the general contractor shall meet with Planning Board Administrator, Building Commissioner, and the Town Engineer to review this approval.
2. Prior to the commencement of authorized site activity, the Planning Board Office shall be given 48 hour written notice. If activity on the Property ceases for longer than 30 days, 48 hour written notice shall be given to the Planning Board Office prior to restarting work.
3. Prior to the commencement of authorized site activity, the Applicant shall provide to the Planning Board Office the name, address and emergency contact telephone number of the individual or individuals who shall be responsible for all activities on site and who can be reached 24 hours a day, seven days a week.
4. A copy of this Decision shall be kept on the Property.
5. Prior to the issuance of any building permit, an electronic copy of the approved Site Plan shall be provided to the Planning Board Office for distribution to Town Departments in order to be reviewed for compliance with this Decision. The Site Plan shall be revised if necessary to reflect the conditions of this Decision. In the event of a discrepancy between the Decision and the Site Plan, the Decision shall take precedence.
6. No material corrections, additions, substitutions, alterations, or any changes shall be made in any plans, proposals, and supporting documents approved and endorsed by the Planning Board without the written approval of the Planning Board. Any request for a material modification of this approval shall be made in writing to the Planning Board for review and approval by the Planning Board or the Planning Board's Administrator and shall include a description of the proposed modification, reasons why the modification is necessary, and any supporting documentation.
7. Following notice to the project manager for the Project, members or agents of the Planning Board shall have the right to enter the Site and to gather all information, measurements, photographs or other materials needed to ensure compliance with this approval. Members or agents of the Planning Board entering onto the Site for these purposes shall comply with all safety rules, regulations and directives of the Applicant and the Applicant's contractors.
8. The Applicant shall record this Decision with exhibit(s) at the Middlesex South Registry of Deeds prior to the issuance of a building permit, after the required appeal period has lapsed in

accordance with MGL, Chapter 40A, Section 17. The Applicant agrees to submit proof of recording to the Planning Board. Failure to record the decision or comply with the conditions of approval herein shall render this Decision null and void.

9. This approval for Public Way Access Permit, Modification to a Scenic Roadway Permit, and Special Permit for Land Disturbance and Common Driveway shall lapse within two years from the date the Decision is recorded at the Middlesex South Registry of Deeds, not including such time required to pursue or await the determination of an appeal from the grant thereof, if a substantial use thereof has not sooner commenced except for good cause as determined by the Planning Board.
10. The failure to comply with the By-Laws and/or the terms of this Decision may result in revocation of the Public Way Access Permit, Modification to a Scenic Roadway Permit, and Special Permit for Land Disturbance and Common Driveway issued hereunder. The Planning Board shall by first class mail send the owner written notification of any failure to comply with the By-law and/or the terms of this Decision. If the owner believes that no violation has occurred, a request may be made to the Planning Board, which will provide the owner an opportunity to resolve the alleged violation. If within 30 days from the date of mailing of said notice, the owner has not resolved the matter with the Planning Board, or remedied the alleged violation, it shall be grounds for revocation of the approvals issued hereunder. At the expiration of the 30 day period and after a duly noticed public hearing including notice to the owner by first class mail, the Planning Board may revoke the approvals issued hereunder if it finds by a four-fifths vote that there has been a violation of the By-law and/or the terms of this Decision and that the owner has failed to remedy it. Alternatively, the Planning Board may continue the public hearing or by a four-fifth vote extend the time period in which the violation may be corrected.
11. Prior to the issuance of the building permit, the Applicant shall provide all documents and information requested by the Planning Board or Planning Board Administrator demonstrating that the Applicant has complied with, or will comply with, all conditions of this approval.

Infrastructure/Site Design/Landscaping

12. Prior to the issuance of a use and occupancy permit, the Applicant shall either substantially complete the landscaping improvements shown on the approved landscaping plan or post a performance guarantee in accordance with this decision. All on-site landscaped buffer areas shall be maintained in good condition in perpetuity so as to present a healthy and neat appearance. The Applicant shall follow regularly scheduled routine maintenance. The Applicant shall submit a landscape maintenance plan to the Planning Board Administrator for approval and implementation upon approval.
13. The Applicant shall maintain all on-site drainage in working condition at its own expense, which shall include inspecting the catch basins twice annually (spring and fall) and cleaning, if necessary, to remove sediment.

Site Construction

14. The Applicant shall perform daily cleanup of construction debris, including soils, on Town streets within 200 yards from the entrance of the site driveways caused by site construction.

15. Outside construction hours are to be between 7:00 AM and 5:30 PM Monday through Friday and 8:00 AM and 4:00 PM on Saturday. Absent emergency conditions, no construction is permitted on Sunday or holidays. No equipment on-site shall be started and allowed to warm up prior the start of the allowed construction hours. No vehicles are to arrive at the construction site before the designated construction hours, which includes no vehicle parking, standing or idling on adjacent public streets.
16. In the event of blasting or compaction during the construction phase, the Developer's Blasting Operator shall provide seven days advance notice of the commencement of blasting operations by certified mail to those property owners entitled to a pre-blast inspection pursuant to 527 CMR 1.00 et seq. Copies of said mailing shall be furnished to the Planning Board and the Framingham Fire Department. Copies of the blasting monitoring reports, noting any vibrations in excess of that allowable by regulation, shall be mailed to the above-referenced property owners, Planning Board and the Framingham Fire Department at the termination of blasting operations. The Blasting Operator shall provide notice to the Planning Board and the Framingham Fire Department of any reported damage to real property off the premises. The Blasting Operator shall post a Blasting and/or Compaction Notice Sign in a conspicuous location along the roadway to inform the public of the proposed blasting for the property. Said Blasting Notice Sign shall be posted at least ten days prior to any Blasting on-site. The Applicant shall notify all abutting residents of such blasting and/or compacting event at the time said notice is posted in a conspicuous location.

Environment

17. The stormwater drainage system for the Project shall be in accordance with the Massachusetts Department of Environmental Protection Stormwater Policy relating to water quality and flood control using Best Management Practices as the standard of performance.
18. All stormwater and erosion control management shall be checked prior to the start and finish of each work day.
19. The Applicant shall check all stormwater features prior to and at the end of each construction day. In the event of a multiple day storm, the project manager shall check on the stormwater features to ensure that they are functioning properly and have not exceeded their capacity. Any repairs or adjustments or deficiencies shall be made immediately.
20. The Applicant shall provide appropriate erosion control methods such as silt fences and straw wattles around the stock piles in case of a storm event, in addition to the temporary dust control requirements.
21. The Applicant shall provide straw wattles and other erosion control methods at the base of the driveway during off-hours of construction to prevent runoff and erosion from getting onto the public way.
22. The infiltration chamber at the bottom of the driveway has about 1.5 feet of separation from bedrock. Per Vol.2, Ch. 1, pg. 31 of the Massachusetts Department of Environmental Protection Stormwater Policy, infiltration BMP's are recommended to have a minimum of 2 feet of separation from bedrock. The Applicant shall replace the infiltration structure with a shallower and larger surface area to obtain a minimum two foot separation. This important change allows the infiltration BMP for the primary and final stormwater control before site runoff reaches the street.

23. The Applicant shall install additional diversions (similar to the trench behind the house but could also be straw bales/silt fence) for each development phase to break up the downslope flow of water during construction. During the construction of the house, a diversion downslope would direct runoff back to the rough graded driveway where the check dams and straw bale barriers are located. This requirement shall be the same for the septic phase.
24. The applicant shall add a note to the plans requiring the review of the approximately 6 foot high retaining wall located in the rear of the house to be reviewed by a structural engineer.
25. The driveway check dams shall be reconfigured on the site plan and installed to be parallel to the contours and perpendicular to the slope.
26. The Applicant agrees to add a detail on the site plans to include driveway check dams (with a concave weir component) as designed in the Massachusetts Department of Environmental Protection Stormwater Policy.
27. The Applicant shall protect the trench along the driveway during construction to ensure that the stone is not contaminated with sediment, the Applicant may choose to construct the trench last to prevent contamination during construction. This shall be reflected in the site plan notes.

Framingham Police Department

28. The Applicant shall retain a police detail for any work within the roadway or right-of-way during construction.

Framingham Department of Public Works

29. The Applicant shall comply with the requests in the correspondence from the Department of Public Works dated July 7, 2015, July 27, 2015, July 30, 2015, and September 8, 2015.

Special Provisions/Periodic Conformance Reporting and Review

30. The Applicant shall provide the following performance guarantees for the Project.
 - a. Upon completion of the project and prior to the request for a final use and occupancy permit, the Applicant shall provide the Planning Board with "As Built Plans" which shall be submitted to the Planning Board Administrator review and approval.
31. Prior to the issuance of a final use and occupancy permit, the Applicant shall submit an as-built plan stamped by a Professional Engineer registered in the Commonwealth of Massachusetts certifying that all improvements are completed in accordance with the approved Site Plan in a form acceptable to the Town of Framingham, Department of Public Works, Engineering & Transportation Division (DPW). The as-built plan shall be submitted in both hard copy and electronic formats (PDF and AutoCAD). The AutoCAD file must conform to the current form of the Mass GIS Standard for Digital Plan Submission to Municipalities or other standard requested by the Town of Framingham DPW. The plan shall include but not be limited to site utility improvements and tie-in dimensions to all pipes and connection points. The as-built information shall be delivered to DPW a minimum of 5 business days in advance of the Applicant seeking a final certificate of occupancy sign-off to allow time for DPW review and approval of submitted information. The Applicant shall also submit a statement certifying that all conditions of approval of this decision have been met and site improvements are complete.

32. As per Section V.F.f. (11) of the Framingham Zoning By-law a certified licensed stormwater engineer shall be retained on behalf of the Town by the applicant to ensure that all work is completed according to specification as directed.

The name and contact information of the licensed stormwater engineer shall be submitted in writing to the Planning Board Administrator and Building Commissioner prior to a building permit being issued. The licensed stormwater engineer shall be present on-site regularly and submit reports weekly to the Town's Stormwater Engineer, Building Commissioner, and the Planning Board Administrator to note the work undertaken and progress thereof. The stormwater engineer shall remain under contract until the Planning Board has determined that compliance has been achieved. The stormwater engineer shall ensure that the approved activity takes place in accordance with the approved application, plan, and all special permit requirements.

33. As per Section V.F.f (9) of the Framingham Zoning By-law the owner shall ensure and guarantee that the long term operation and maintenance and/or Operation and Maintenance Program for the Stormwater System and other erosion control elements are in place in perpetuity. The Planning Board finds that this application is atypical of a residential application, thus needing additional safeguards to protect abutting natural resources and properties that may be affected without such protection. Such documentation shall be referenced in the Deed.
34. The Applicant shall provide a Cash Performance Guarantee to ensure the operation and maintenance of the stormwater system and other erosion control elements are maintained, in proper working condition. Such Guarantee shall be provided to the Planning Board prior to the issuance of an occupancy and use permit in the amount of 20 percent of the project stormwater system and other erosion control elements value and held for five years from the issuance of the occupancy and use permit issued by the Building Department. This Guarantee shall ensure that all provisions of this Decision are met, furthermore assuring proper maintenance of the Stormwater System to protect abutting residences. After two years of residential occupancy, 10 percent of the bond may be returned if the stormwater management systems are in proper working order.
35. The Applicant shall provide a monitoring and maintenance program for the cleaning and maintenance of the drywell. Such documentation should be provided to the Planning Board Administrator prior to the issuance of the Occupancy Permit and recorded with the Deed.
36. The Applicant shall install the required number of trees on site as determined by the Framingham Tree Warden. The Applicant may be permitted to donate the required number of trees to the Town for planting along public roadways with written approval from the Framingham Tree Warden.
37. The Applicant shall check all stormwater features prior to and at the end of each construction day. In the event of a multiple day storm event, it would be further requested that the project manager check on the stormwater features to ensure that they are functioning properly and have not exceeded their capacity.

WAIVERS

The Applicant has requested the following waivers:

- Section V.F.d(1)(h): the applicant has requested a waiver from the requirement of a scale landscape plan including existing tree, upland communities, etc. The proposed lot consists of wooded uplands (see attached pictures). Within the limit of work the existing vegetation must be cleared due to the topography and required grading. Areas outside the limit of work will be preserved.
- Section V.F.d(2)(g): the applicant has requested a waiver from the requirement of documenting the species and quantities of specimen trees and other vegetation to be removed (none will be relocated).

The Planning Board voted five in favor and zero opposed to the granting the requested waivers for the requirements of Sections V.F.d.(1)(h) and V.F.d.(2)(g) of the Framingham Zoning By-law.

Christine Long.....yes
Stephanie Mercandetti.....yes
Lewis Colten.....yes
Thomas F. Mahoney.....yes
Victor Ortiz.....yes

VOTES

Special Permits for Land Disturbance (Section V.F) and Common Driveway (Section IV.B.3.a.1 and IV.E.4.a) of the Framingham Zoning By-laws

The Planning Board voted five in favor, zero opposed, and zero in abstention to grant approval for the special permits for Land Disturbance and Common Driveway pursuant to the Framingham Zoning By-Laws to allow the Applicant, David O. Whittemore to construct a single family dwelling, driveway, site improvements, and access the property at 815 Edmands Road over the frontage of 809 Edmands Road as shown on the Site Plan for 815 Edmands Road dated September 25, 2015, revised through November 19, 2015.

Christine Long.....yes
Stephanie Mercandetti.....yes
Lewis Colten.....yes
Thomas F. Mahoney.....yes
Victor Ortiz.....yes

Public Way Access Permit (Section VI., Article 8 of the Framingham General By-laws)

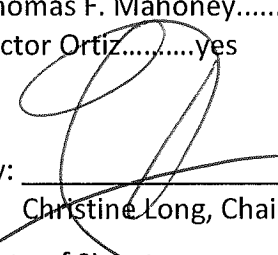
The Planning Board voted five in favor, zero opposed, and zero in abstention to grant approval for a Public Way Access Permit pursuant to Article VI, Section 8 of the Town of Framingham General By-Laws to allow the Applicant, David O. Whittemore to access the property at 815 Edmands Road as shown on the Site Plan for 815 Edmands Road dated September 25, 2015, revised through November 19, 2015.

Christine Long.....yes
Stephanie Mercandetti.....yes
Lewis Colten.....yes
Thomas F. Mahoney.....yes
Victor Ortiz.....yes

Modification to a Scenic Way (Section VI., Article 10 of the Framingham General By-laws)

The Planning Board voted five in favor, zero opposed, and zero in abstention to grant approval for a Modification to a Scenic Way Permit pursuant to Article VI, Section 10 of the Town of Framingham General By-Laws to allow the Applicant, David O. Whittemore to remove one 24" pine tree and one 18" oak tree, as shown on the plan for 815 Edmands Road dated September 25, 2015, revised through November 19, 2015.

Christine Long.....yes
Stephanie Mercandetti.....yes
Lewis Colten.....yes
Thomas F. Mahoney.....yes
Victor Ortiz.....yes

By: 
Christine Long, Chair, Framingham Planning Board

Date of Signature:

EXHIBITS

Not attached unless indicated

The Applicant has filed with the Planning Board various plans and reports required under the requirements of the By-Laws. During the review process, the Applicant and its professional consultants also submitted revisions to plans in response to requests by the Planning Board and by the various Town Departments that reviewed the Project. These plans, reports and correspondence are contained in the Planning Board's files and are hereby incorporated into this Decision by reference.

1. Form A – Application Cover Letter, 815 Edmands Road, stamped with the Town Clerk on July 14, 2015, Project Number: PB-008-15
2. Form F – Public Way Access Permit Application, 815 Edmands Road, stamped with the Town Clerk on July 14, 2015, Project Number: PB-008-15
3. Form I – Scenic Roadway Modification Application, 815 Edmands Road, stamped with the Town Clerk on July 14, 2015, Project Number: PB-008-15
4. Form J – Special Permit for Land Disturbance, 815 Edmands Road, stamped with the Town Clerk on July 14, 2015, Project Number: PB-008-15
5. Form L – Special Permit Application, 815 Edmands Road, stamped with the Town Clerk on July 14, 2015, Project Number: PB-008-15
6. Letter from Franca Enterprise, RE: 815 Edmands Road Public Way and Scenic Road Permit, dated June 23, 2015
7. Stormwater Report, 815 Edmands Road (Lot E1), Framingham, MA, prepared by Connorstone Engineering, Inc, dated July 13, 2015.
8. Site Plans for 815 Edmands Road (total of 2 sheets), prepared for Franca Enterprise Services, Inc. 449 Boston Post Road, Marlborough, MA 01752, prepared by Connorstone Engineering, 10 Southwest Cutoff, Suite 7, Northborough, MA 01532, dated September 25, 2014, revised through November 19, 2015.
9. Site Photographs, provided by Applicant (taken September 25, 2014)
10. Letter from Connorstone Engineering, Inc. RE: 815 Edmands Road, Stormwater Management Plan Review, dated November 16, 2015

The Planning Board received correspondence various Town Departments who review the project. The aforesaid correspondence is contained in the Planning Board files and is incorporated herein by reference.

1. Framingham Fire Department, correspondence received via ACCELA on August 19, 2015
2. Department of Building & Wire, comment “Needs Special Permit for Land Disturbance, Public Way Access Permit, Special Permit for Common Driveway,” correspondence received via ACCELA on August 19, 2015
3. Letter of comment received from the Framingham Conservation Commission, Subject: 815 Edmands Road – Building Permit Sign-off and aerial photo with conservation layers, dated July 6, 2015
4. Community and Economic Development, comment “Reviewed & support proposal without comment,” correspondence received via ACCELA on August 19, 2015
5. Police Department, correspondence received via ACCELA on August 19, 2015
6. Letter of comments received from the Public Works Department
 - a. RE: Proposed Public Way Access Permit - #815 Edmands Road, Framingham, dated July 7, 2015

- b. RE: Special Permit for Land Disturbance - #815 Edmands Road, Framingham, dated July 27, 2015
- c. RE: Proposed Water - #815 Edmands Road, Framingham, dated July 30, 2015
- d. RE: Stormwater Management - #815 Edmands Road, Framingham, dated September 8, 2015
- 7. Peer Review Letter, Horsely Witten Group, RE: 815 Edmands Road – Stormwater Management Plan Review, dated October 22, 2015.
- 8. Peer Review Letter, Horsely Witten Group, RE: 815 Edmands Road – Stormwater Management Plan Second Review, dated November 20, 2015